

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

NOLAN JOHNSON,

Plaintiff(s),

CASE NO.: 05-CV-60101-AA

vs.

HON. JOHN CORBETT O'MEARA
MAG. JUDGE WALLACE CAPEL, JR.

PATRICIA CARUSO, et. al.,

Defendant(s).

ORDER GRANTING PLAINTIFF'S MOTION
TO EFFECTUATE SERVICE BY UNITED STATES MARSHAL
OR OTHER AUTHORIZED PERSON
AND
ORDER DIRECTING UNITED STATES MARSHAL
TO MAKE SERVICE

This matter is before the Court on the Plaintiff's Motion To Effectuate Service By
United States Marshal Or Other Authorized Person, filed on October 21, 2005.

This is a prisoner civil rights action filed on May 5, 2005, and referred to the undersigned
for all pretrial purposes by the Honorable John Corbett O'Meara, on May 25, 2005.

A review of the record in this matter indicates that the Plaintiff, at the time of filing his civil
action, paid the requisite filing fee for civil actions in federal court. Based upon the foregoing, the
Plaintiff is normally responsible for arranging for service of the summons and complaint. Rule
4(c)(1), Federal Rules of Civil Procedure. It further appears that on June 20, 2005, the Plaintiff filed
a Certificate of Service indicating that he served a copy of the complaint and summons upon the
Defendants in this matter. In an unrelated order dated September 28, 2005, the Court made the

Plaintiff aware of the Federal Rule concerning service and instructed him to make service in the proper manner.

In his motion, the Plaintiff indicates that because he is incarcerated he is unable to effectuate service upon the Defendants and has now requested that the United States Marshal make service upon the Defendants in this matter.

Rule 4(c)(2) of the Federal Rules of Civil Procedure authorizes the Court to direct the United States Marshal to effectuate service upon the request of the Plaintiff. Therefore, having considered the motion and the reason cited by the Plaintiff that service of the complaint be served by the United States Marshal, the motion is hereby **GRANTED**.

IT IS HEREBY ORDERED that the United States Marshal shall make service of the complaint upon the Defendants in this matter.

IT IS FURTHER ORDERED that the United States Marshal is expressly authorized to collect in any appropriate manner, from the Plaintiff, after effectuating service the usual and customary costs for such service.

IT IS ALSO ORDERED that hereafter the Plaintiff shall serve upon the Defendants, or if an appearance of counsel has been filed by an attorney for the Defendants, a copy of every further pleading or other document submitted for consideration by the Court. Plaintiff shall include with the original paper to be filed with the Clerk of the Court a certificate of service stating the date a true and correct copy of any document was mailed to the Defendant(s) or the attorney(s). Any paper received by a District Judge or Magistrate Judge which has not been filed with the Clerk of the Court or which fails to include a certificate of service will be disregarded by the Court.

IT IS SO ORDERED.

The parties are hereby informed that any objection to this order must be filed with the district court within ten days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: October 31, 2005

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on **October 31, 2005**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: not applicable, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Nolan Johnson, #210912, Parnall Correctional Facility, 1780 E. Parnall, Jackson, MI 49201, United States Marshal, 600 Church St., Flint, MI 48502

s/James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850